

HONORABLE DAVID G. ESTUDILLO

**IN THE UNITED STATES DISTRICT COURT
FOR THE WESTERN DISTRICT OF WASHINGTON
AT TACOMA**

DAWN MARIE KORTER, as an individual,
and as Personal Representative for the ESTATE
OF SAID JOQUIN; and DEATURA
EVERLYN-JEAN JOQUIN;

Plaintiffs,

v.

CITY OF LAKEWOOD, a political subdivision
of the State of Washington, and d/b/a Lakewood
Police Department, MICHAEL WILEY, an
individual; and MICHAEL ZARO, an
individual,

Defendants.

No. 3:22-cv-05647

JOINT STATUS REPORT

Counsel for Plaintiffs Dawn Marie Korter, the Estate of Said Joquin, and Deatuura Everly-Jean Joquin and Defendants City of Lakewood, Michael Wiley, and Michael Zaro, conferred on November 8, 2022, and hereby submit this Joint Status Report for the Court's review. The following answers are in response to the issues listed in the Court's September 2, 2022 Order (Dkt. No. 5.).

1. **Statement of Nature and Complexity of the Case:** Plaintiffs, the Estate of Said Joquin, and his surviving family, bring various claims against the City of Lakewood and individual officers of the Lakewood Police Department, Michael Wiley and Michael Zaro for his wrongful death and violations and deprivations of his civil rights which occurred on or

about May 1, 2020 when he was shot and killed by Defendant Michael Wiley at close range. The shooting occurred during a routine traffic stop. Plaintiffs allege that the shooting was unreasonable and amounted to excessive force under the circumstances and that the Lakewood Police Department has a well-established pattern and practice of deprivation of citizens' civil rights in like manner and means. Plaintiffs allege Defendant was on notice of the need to train Wiley based on a prior incident, and Federal Court wrongful death trial finding and verdict, in which an unarmed black man was shot and killed, and the City did nothing to further train or change his policing behaviors. Plaintiffs allege that Defendant Wiley was an overly aggressive officer, mishandled the traffic stop, escalated the encounter, and then unnecessarily shot, and killed, Said Joquin, a young black man. The defendants deny the above allegations, deny liability in this case and dispute the nature and extent of Plaintiff's damages.

2. The parties do not currently anticipate any additional parties will be joined.

3. The parties do not consent to a magistrate judge.

4. The parties do not believe any unusual discovery plan is necessary.

A. **Initial Disclosures:** November 25, 2022

1. **Expert Disclosures** will occur on or before **July 11th, 2023**, or ninety (90) days before the date for trial, whichever is later.

2. **Rebuttal Disclosures** will occur on or before **September 5th, 2023**, or no later thirty (30) days before the date for trial, whichever is later.

1 B. **Subjects, timing, and potential phasing of discovery** - Discovery will
2 be conducted regarding the facts alleged in the Complaint, plaintiffs'
3 alleged damages, as well as the Answer and affirmative defenses.

4 C. **Electronically Stored Information:** All electronically stored
5 information will be treated like any other document in possession of the
6 parties.

7 D. **Privilege Issues:** The Parties anticipate that the attorney-client
8 privilege, work-product privilege, and anticipation of litigation
9 privilege may be asserted in this case. Confidential or proprietary
10 information may also be requested, and in the event that this
11 privilege(s) is claimed, the Parties agree to attempt to agree to a
12 proposed protective order to facilitate the exchange of this information.
13 The Parties further assert that this disclosure and agreement does not
14 affirmatively preclude utilization of privileges not specifically
15 identified herein.

16 E. **Limitations on Discovery:** The Parties do not anticipate that this case
17 will require any changes to the limitations on discovery imposed under
18 the Federal and Local Civil Rules. If, in the future, any changes are
19 necessary, the Parties will work in good faith to reach agreement. If the
20 parties cannot agree, the parties will present a motion to the Court.

21 F. **Discovery Related Orders:** At this time the Parties have no
22 suggestions for any other orders that should be entered by the Court.
23

- 1 5. Agreement re Local Civil Rule 26(f)(1) - The parties plan to mediate.
- 2 A. **Prompt Case Resolution:** In an effort to achieve prompt case
- 3 resolution, the Parties will endeavor to schedule mediation.
- 4 B. **ADR:** The Parties agree to participate in mediation as the chosen form
- 5 of ADR pursuant to Fed.R.Civ.P. 39.1.
- 6 C. **Related Cases:** There are no related cases currently pending. This
- 7 action was removed by Defendant from the Pierce County Superior
- 8 Court to the Tacoma Division of the Western District of US District
- 9 Court on September 1, 2022 [ECF #1].
- 10 D. **Discovery Management:** The Parties will act cooperatively and in
- 11 good faith to manage discovery to minimize expense to the litigants.
- 12 E. **Anticipated Discovery Sought:** The Parties anticipate that discovery
- 13 will include, but is not limited to: written discovery to the parties (i.e.,
- 14 interrogatories, requests for production, requests for admission, etc.);
- 15 documents and other discovery regarding alleged policy violations,
- 16 damages and defenses; deposition testimony from the parties to the
- 17 lawsuit; and deposition testimony from witnesses regarding the various
- 18 claims and defenses asserted in this action. Michael Wiley and
- 19 Plaintiffs were deposed prior to removal.
- 20 F. **Phasing Motions:** The Parties do not believe that phased discovery is
- 21 necessary at this time, but they reserve the right to request phased
- 22 discovery in the future if necessary.
- 23

G. **Preservation of Discoverable Information:** The Parties agree to preserve all discovery evidence.

H. **Privilege Issues:** Please see 4-D above.

I. **Model Protocol:** The parties agree to follow the Model Protocol for Discovery of ESI.

J. **Alternatives to Modern Protocol:** The Parties do not suggest any alternatives to the Model Protocol.

6. The discovery deadline should be approximately 120 days prior to the trial date,

7. The parties do not anticipate bifurcation at this time.

8. The parties do not believe pretrial statements and the pretrial order should be dispensed with.

9. The parties have no other suggestions for handling this case.

10. Plaintiffs are available for an propose a trial date of October 9, 2023.

Defendant is available for and proposes a trial date of February, 2024.

11. The Parties request a Jury trial.

12. The Parties believe the trial will last approximately three weeks.

13. For Plaintiff:

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14. Plaintiffs' conflicts are August 11 to 30, 2023; September 1 to 15, 2023; and November 20, 2023 through December 26, 2023, inclusive. Plaintiffs have no trial conflicts for 2024.

Defendants conflicts are as follows:

Dates Unavailable	Reasons Unavailable	Conflict Trial: Court Name & Cause Number
4/17/23 – 4/28/23	Trial	Estate of Flynn v. Spokane County, Spokane County Superior Court Cause No. 21-2-01402-32
6/5/23 – 6/23/23	Trial	D.C., et al., v. Lewis County, Thurston County Superior Court Cause No. 20- 2-02380-34
6/12/23 – 6/16/23	Trial	Perillo v. Island County, Snohomish County Superior Court, Cause No. 18-2-06549- 31
7/3/23 – 7/7/23	Trial	McNeil v. Spokane County, Spokane County Superior Court No. 22-2-00926- 32
7/17/23-7/28/23	Trial	Picciano v. Clark County, USDC 20-cv-06106- DGE
7/17/23 - 7/28/23	Trial	Bang v. State, King County Superior Court Cause No. 21-2-15916 KNT
9/11/23 – 9/29/23	Trial	Frederickson v. Bellevue, et al., USDC 21-cv-

		01517-JCC
11/6/23 – 11/17/23	Trial	Alcantar v. Centralia, et al., USCD 21-cv-05458-DGE
11/27/23 – 12/8/23	Trial	McPeak v. Butcher, et al., USDC 21-cv-05821-TL
12/4/23 – 12/16/23	Trial	Shriver v. Olympia, et al., USDC 22-cv-05138-MJP
1/2/24 – 1/19/24	Trial	Harris v. Centralia, et al., USDC 22-cv-05129-JHC
1/8/24 – 1/26/24	Trial	Rolinski v. Thurston County, Thurston County Superior Court No. 22-2-00310-34
2/5/24 – 2/10/24	Trial	Faith Center Fellowship v. Kelso, Cowlitz County Superior Court Cause No. 20-2-00295-08
2/20/24 – 3/3/24	Trial	Watkins v. Olympia, et al., USDC 22-cv-05554-DGE
3/4/24 – 3/22/24	Trial	Morgan v. State, et al., Thurston County Superior Court No. 21-2-01304-34
5/7/24 – 5/20/24	Trial	Parker v. Olympia, et al., USDC 21-cv-05247-BHS
6/17/24 – 6/28/24	Trial	Orozco v. Yakima County, 22-cv-03058-SAB
7/8/24 – 7/19/24	Trial	Manning v. Thurston County, Thurston County Superior Court No. 22-2-00876-34

15. The Defendants have been served with the Summons and Complaint in this matter.

16. A status conference is currently being rescheduled according to the Court's and parties' availability.

DATED this 23rd day of November, 2022.

PRESENTED BY:

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By/s/ John E. Justice

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